

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

BITUMINOUS CASUALTY)
CORPORATION,)
)
Plaintiff,)
)
v.) Case No. 3:09-cv-00060
) (VARLAN / SHIRLEY)
WALDEN RESOURCES, LLC, AMWES)
EXPLORATION, LLC, DANIEL POTTS,)
ZTX DRILLING, LLC, JONATHAN D.)
VANN, LEXINGTON INSURANCE)
COMPANY, WILD WELL CONTROL, INC.,)
MARLOW VOLUNTEER FIRE)
DEPARTMENT, SUPERIOR WELL)
SERVICES, INC., GRIFFITH SERVICES,)
LLC, BLOWOUT TOOLS, INC.,)
MILLER PETROLEUM, INC., B. J.)
SERVICES COMPANY and MICHAEL)
TRUMP,)
)
Defendants.)

**AGREED ORDER OF DISMISSAL AS TO
DEFENDANT WALDEN RESOURCES, LLC**

It appearing to the Court from the signatures hereto that:

1. As set forth in the complaint for declaratory judgment, interpleader and permanent injunctive relief filed in this action, Walden Resources, LLC was joined pursuant to 28 U.S.C. § 2201, Rule 57 of the Federal Rules of Civil Procedure, 28 U.S.C. § 1335 and Rule 22 of the Federal Rules of Civil Procedure, in that Walden Resources, LLC is a named insured on insurance policies at issue and pursuant to the Declaratory Judgment Act and Federal Interpleader Act would be directly affected by the declarations made by this Honorable Court, and based upon the desire of Bituminous Casualty Corporation that Walden Resources, LLC be bound by the declarations made by

this Honorable Court as to the issues raised in this action;

2. Walden Resources, LLC has reviewed the complaint for declaratory judgment, interpleader and permanent injunctive relief, and the issues raised therein;

3. Walden Resources, LLC affirmatively states that all matters in controversy involving it have been settled, that it asserts no interest in the remaining determinations requested in the complaint for declaratory judgment, interpleader and permanent injunctive relief, and that it agrees that it will not contest the declarations sought by Bituminous Casualty Corporation in the complaint for declaratory judgment, interpleader and permanent injunctive relief; and

4. Consequently, Bituminous Casualty Corporation and Walden Resources, LLC have agreed that Walden Resources, LLC may be dismissed from this case without prejudice and need not participate further in this litigation.

Based upon the representations contained herein, this Court dismisses Walden Resources, LLC from this matter upon the representations that it will claim no interest under the Declaratory Judgment Act and Federal Interpleader Act in the outcome of the determinations sought by Bituminous Casualty Corporation in the complaint for declaratory judgment, interpleader and permanent injunctive relief.

ENTERED this 30th day of June 30, 2010.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE

APPROVED FOR ENTRY:

s/ Parks T. Chastain
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